

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

RONALD L. MAHANY

Serial No.: 10/057,816

Confirmation No.: 4621

Filed: January 24, 2002

For: REMOTE RADIO DATA  
COMMUNICATION SYSTEM WITH  
DATA RATE SWITCHING

Examiner: Nguyen Thanh Vo

Group Art Unit: 2685

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

**(37 C.F.R. §1.121)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

This document is in response to the Notice of Non-Compliant Amendment (37 C.F.R. §1.121) (the "Notice") mailed July 12, 2005 in the above-identified application (the "Application"). This response is accompanied by a Petition for Extension of Time Under 37 C.F.R. §1.136 and the required fee of \$2160 set forth in 37 C.F.R. §1.17(a)(5) for a five (5) month extension of time.

The examiner assigned to the Application, Examiner Nguyen Thanh Vo, stated on April 17, 2006 during a telephone conference with Applicant's representative, that the Application is not presently shown to be abandoned. Notwithstanding, Applicant is separately filing on this date, out of an abundance of caution in case it is necessary, a contingent petition to revive the Application, along with authorization to the Commissioner to charge any associated fees to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

As required by the Notice, a corrected "Amendments to the Claims" section with a complete listing of all claims in the Application, as of the filing of the Non-Compliant Amendment, begins on page 3 of this document. Remarks begin on page 8 of this paper. A copy of the Notice is also attached.